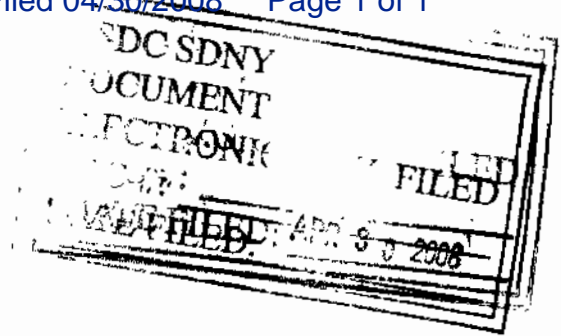


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



ISAAC STENGEL,

Plaintiff,

-against-

BRADFORD BLACK,

Defendant

08 CV 416 (GBD)

ORDER

GEORGE B. DANIELS, District Judge:

Defendant moves this Court, pursuant to Fed. R. Civ. P. 12(b)(1), (2), and (6), to dismiss plaintiff's replevin action on the grounds that this Court lacks subject matter jurisdiction over the claim and personal jurisdiction over the defendant, and that plaintiff's claim is barred by res judicata and the statute of limitations.

A previous action filed in this federal district court was dismissed for lack of subject matter jurisdiction. A second action subsequently filed in New York State Supreme Court was dismissed for lack of personal jurisdiction over the defendant. A third action was filed in Ohio State court. The Ohio Court of Common Pleas granted summary judgment in favor of defendant; that dismissal was affirmed on appeal by the Ohio Court of Appeals; and the Ohio Supreme Court declined further review.

Upon due consideration of the motion and submissions of the parties, defendant's motion to dismiss is GRANTED.

Dated: April 30, 2008
New York, New York

SO ORDERED:

George B. Daniels
GEORGE B. DANIELS
United States District Judge